

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONTE BOOKER,

Defendant.

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Case No. 1:13-cr-50

OPINION & ORDER  
[Resolving Docs. [196](#), [197](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In March 2013, a federal jury convicted Defendant Donte Booker of attempted possession with intent to distribute five kilograms of a cocaine mixture.<sup>1</sup> The Court then sentenced Booker to 200 months' incarceration and five years' supervised release.<sup>2</sup> Defendant Booker has since mounted a series of attacks on his sentence and conviction, two of which are relevant here.

In December 2017, Booker moved to reopen his previously denied habeas petition.<sup>3</sup> The Court denied his motion.<sup>4</sup> Booker appealed that decision.<sup>5</sup> Then, in May 2018, Booker moved to reduce his sentence.<sup>6</sup> The Court denied that motion as well and Booker again appealed.<sup>7</sup> Both of these appeals, which the Sixth Circuit has since consolidated, are still pending.<sup>8</sup>

Now, Booker is back again, this time asking the Court to correct his presentence

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<sup>1</sup> Doc [32](#).

<sup>2</sup> Doc. [57](#).

<sup>3</sup> Doc. [153](#).

<sup>4</sup> Doc. [164](#).

<sup>5</sup> Doc. [176](#).

<sup>6</sup> Doc. [180](#).

<sup>7</sup> Docs. [188](#), [189](#).

<sup>8</sup> See Doc. [195](#).

report.<sup>9</sup> He also asks to supplement that motion to correct.<sup>10</sup>

Generally, a notice of appeal divests a district court of jurisdiction over the case.<sup>11</sup> Although there are some exceptions to the rule (like when a notice of appeal is untimely or the issues on appeal are unrelated to those before the Court), none of them appear relevant here.<sup>12</sup> Accordingly, the Court lacks jurisdiction over Booker's motions while the Sixth Circuit considers his appeals.

Thus, the Court **DENIES** Defendant's motion to correct and **DENIES** Defendant's motion to supplement, without prejudice for him to refile when the Court regains jurisdiction.

IT IS SO ORDERED.

Dated: March 25, 2019

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>9</sup> Doc. 196.

<sup>10</sup> Doc. 197.

<sup>11</sup> *Lewis v. Alexander*, 987 F.2d 392, 394 (6th Cir. 1993).

<sup>12</sup> *Id.* at 394–95.